

Board of Cosmetologist Examiners

July 20, 2015 Board Meeting Minutes

9:04 AM to 2:12 PM

Conference Room A, University Park Plaza

2829 University Ave SE, Minneapolis, MN 55414

Present at Meeting:

Mary Finnegan, Chair	Michele Owen, Attorney
Laurie Boggess, Member	Gina Stauss Fast, Executive Director
Rhonda Besel, Member	Diane DelaBarre, Assistant Executive Director
Kurt Deile, Member	Catrina Mairose, Licensing Division Manager
Jodi Friendshuh, Member	Lene Kiser, Compliance Specialist
Nicki Dixson, Member	Tami Thein, Assistant to the Executive Director
Chelsey Bell (electronically), Member	Rebecca Gaspard, Rules Analyst

I. Call to Order

MF: Called meeting to order at 9:04 AM.

II. Approval of Proposed Agenda

KD: Made a motion to pass the proposed agenda with flexibility.

LB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

III. Approval of Minutes

LB: Made a motion to approve the minutes from the May 11, 2015 Board meeting with the amendment to CB physically being at meeting vs electronically.

ND: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

IV. New Business: Waivers, Variances, Practical Skills Test Summary, Petition for Rulemaking & Rulemaking Update

A. Variance– Park Avenue School of Cosmetology

CM: Kristine Walsh, on behalf of PASC, is requesting a variance of MN Rule 2110.0630(A), which requires that two instructors are on the school premises while students are present. The school requests that this variance apply for the remainder of the school license cycle which will expire 10/31/2017. The request is based on financial hardship due to low enrollment.

RB: Made a motion to grant a variance for Park Avenue Park Rapids Campus of MN 2110.0630, A, which states “there shall be at least two licensed instructors on the school premises during the time students are present.” This is a discretionary variance for the first portion of the rule, as stated, and is granted until 10/31/2017.

LB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

B. Variance— Wright Technical Center

CM: Shaun Karson, on behalf of WTC, is requesting a variance of MN Rule 2110.0630(A), which requires that a minimum of two licensed instructors are on the school premises while students are present. The school is requesting a variance due to declining enrollment and a school budget deficit.

KD: Made a motion to grant a variance for WTC's second and third blocks for the first portion of MN Rule 2110.0630, A, which states "there shall be at least two licensed instructors on the school premises during the time students are present." This is a discretionary variance granted because: the school faces hardship of: financial difficulties and inability to hire second instructor, potentially closing the school; the variance is consistent with public interest because: it allows high school students to get introductory cosmetology training; the variance would not negatively impact the legal or economic rights of others because: the school remaining open is a positive impact, if the school were to close it would negatively impact economic rights of others. The variance is granted for the first portion of the rule, as stated, and is granted until 6/30/2016.

ND: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

MF calls for break at 10:08AM.

MF calls for order at 10:16AM.

C. Waiver—Marsha Allen

CM: MA is requesting a waiver of MN Rule 2105.0150 which requires applicants to apply for and become licensed within three years of completion of the 1550/600/350 hour course of training. This request is based on financial hardship which stemmed partially from the medical hardship of her father.

LB: Made motion to grant the request for waiver due to financial hardship with 35 hour refresher course and 4 CE Course to be completed by December 1st, 2015.

CB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

D. Waiver—Ann Cordie

CM: AC is requesting a waiver of MN Rule 2105.0210, which requires individuals who have held an inactive license for more than three years complete a 155 hour refresher course. She hopes to use a 40 hour refresher course rather than the 155 hour course. Her request is based on financial hardship.

KD: Made motion to grant the request for waiver due to financial hardship with exams to be completed by December 31st, 2015.

LB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

E. Waiver – Katherine Manders

CM: KM is requesting a waiver of MN Rule 2105.0210, which requires individuals who have had an inactive license for more than three years complete a 155 hour refresher course. She hopes to use a 40 hour refresher course rather than the 155 hour course. Her request is based on financial hardship.

LB: Made motion to grant the waiver request due to financial hardship with provided proof of 40 hour refresher, 4 hour CE course and all application documents granting salon manager license to active from inactive.

ND: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

F. Waiver – Hifi Hair

CM: Jon Clifford, owner of HH, is requesting a waiver of MN Rule 2105.0340, which requires salons to apply for a new license if the license has been expired for 30 days or more. Jon wishes to renew the expired license rather than apply for a new salon license.

LB: Made motion to grant waiver request due to financial hardship and a late renewal is needed by August 15, 2015.

JF: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

G. Waiver— Nancy Schuna

CM: NS is requesting a waiver of MN Rule 2105.0200, Subp. 2, A (1) which requires applicants to have practiced in a licensed salon for at least 1,800 hours at any time within the three years of their license cycle or 400 hours per each year, or to take a 40 hour refresher course. This request is based on medical and financial hardship.

KD: Made motion to grant the request for waiver due to medical and financial hardship, work hours to be waived for renewal, waive 40 hour refresher course but needs to complete 4 hour CE course with all application paperwork with fees.

LB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

H. Waiver—Glenda Schmidt

CM: GS is requesting a waiver of MN Rule 2105.0200, Subp. 2, A (1) which requires applicants to have practiced in a licensed salon for at least 1,800 hours at any time within the three years of their license cycle or 400 hours per each year, or to take a 40 hour refresher course. This request is based on medical hardship.

KD: Made motion to grant the request for waiver due to medical hardship.

ND: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

MF calls for break at 11:10AM.

MF calls for order at 11:20AM.

I. Petition for Rulemaking

CM: Denise Jarrett, Director of EcoHair Institute & Association, has submitted a petition for rulemaking to the Board. Under MN Statute 14.09, the public can make requests,

or petitions, to modify existing rules or implement new rules using the rulemaking process. License expiration dates, Instructor CE credits, School Manager renewal requirements and definition of “Evidence” changes.

KD: Made motion to approve Board Chair to sign the draft letter for the response with amendments of additional fourth topic to be addressed.

RB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

J. Practical Skills Test Summary

CM: Since October of 2014, the Certification of Skills Task Force has been working to revise the Certification of Skills that is offered as a practical exam to students. This task force is comprised of seven licensed instructor members from schools around the state. With BCE staff, they now wish to propose the new Practical Skills Test to replace the Certification of Skills.

LB: Made motion to accept the skills test with flexibility and report back to the Board at the October Board meeting.

ND: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

MF calls for break at 12:06PM.

MF calls for order at 12:19PM.

K. Rulemaking Update

RG: Ongoing process of Rules overhaul Chapter 2105 and Chapter 2110, process for Mobile Salons and Advanced Practice Esthetics.

MF: Propose amendment to Rules governing Mobile Salons MN Rules, Chapter 2105. The Executive Director of the BCE, is authorized and directed to proceed with development of rules on mobile salons, and to publish the Request for Comments. Furthermore, the ED is authorized and directed to do anything else needed to complete this notice, including seeking approval of an additional notice plan with the OAH. Furthermore, the Board hereby ratifies any steps already taken addressing these rules including notifying the Governor’s Office, seeking the approval of the additional notice plan and publishing the request for comments.

LB: Seconded. 7 Ayes, 0 Nays. **Motion Carried.**

V. Division Reports- Compliance Division Report, Licensing Division Report and Inspection Division Report

A. Compliance Division Report

LK: In the 4th quarter, a total of 55 new complaints were filed with the Board.
Board staff currently have 214 active complaints.

B. Inspection Division Report

DD: 219 total inspections completed from 5/12/15 – 6/30/15.

C. Licensing Division Report

CM: Since the May meeting, we have maintained an average processing time of about 15 business days. Due to the recent legislative changes, staff have spent a significant portion of their time assisting walk-in applicants, tending to phone calls, and responding to emails.

VI. Adjournment

MF: Adjourned the meeting at 2:12 PM.